

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DWAYNE DOLLISON, JR., and
KENNETH MARTIN DOUGLAS

Defendants.

Case No. 3:18-cr-00066-SLG-DMS

ORDER

Before the Court at Docket 40 is Defendant Kenneth Martin Douglas's Motion to Suppress Evidence. Co-defendant Dwayne Dollison, Jr., joined the motion at Docket 42. The Government responded in opposition at Docket 43. The motion was referred to the Honorable Magistrate Judge Deborah M. Smith, who held an evidentiary hearing on the motion. See Docket 63, 65. The parties then submitted supplemental briefing. At Docket 76, Judge Smith issued her Initial Report and Recommendation, in which she recommended that the motion be denied. Dollison and Douglas both filed objections to the Initial Report and Recommendation (Docket 81, 82, 84). The Government did not file any reply to the objections. Judge Smith issued her Final Report and Recommendation at Docket 96, in which she recommended that the motion be denied. No further objections to the Final Report and Recommendation were filed.

The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1). That statute provides that a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.”¹ A court is to “make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.”² But as to those topics on which no objections are filed, “[n]either the Constitution nor [28 U.S.C. § 636(b)(1)] requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”³

The magistrate judge recommended that the Court deny the Motion to Suppress Evidence. The Court has considered de novo the objections raised by each defendant to the magistrate judge’s initial report. The Court has reviewed the Final Report and Recommendation and adopts and agrees with its analysis. Accordingly, the Court adopts the Final Report and Recommendation, and IT IS ORDERED that the Motion to Suppress Evidence at Docket 40 is denied.

DATED this 22nd day of May, 2019, at Anchorage, Alaska.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

¹ 28 U.S.C. § 636(b)(1).

² *Id.*

³ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).